

CROWELL & MORING LLP

1001 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20004-2595

(202) 624-2500

FACSIMILE (202) 628-5116

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IRVINE, CALIFORNIA 92614  
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LONDON EC4A 3HD  
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January 24, 1997

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Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, DC 20554

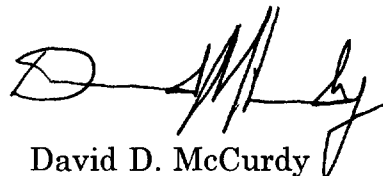
Re: Comments of Fouce Amusement Enterprises  
MM Docket No. 87-268

Dear Mr. Caton:

Enclosed is an original and 9 copies of reply comments in response to the Commission's Sixth Further Notice of Proposed Rule Making, In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service (FCC 93-317, released August 14, 1996).

Should there be any questions regarding this matter, please contact the undersigned.

Very truly yours,

  
David D. McCurdy

Enclosures

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Before The  
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In the Matter of	)	
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Advanced Television Systems	)	MM Docket No. 87-268
and Their Impact upon the	)	
Existing Television Broadcast	)	
Service	)	

**REPLY COMMENTS OF FOUCE AMUSEMENT ENTERPRISES**

Fouce Amusement Enterprises, by its attorneys, submits these reply comments in response to the Commission's Sixth Further Notice of Proposed Rule Making, ("Sixth Notice"), in the above-captioned proceeding. (FCC 96-317, released August 14, 1996). Fouce is the licensee of television station KRCA, Channel 62 ("KRCA"), which operates in the Los Angeles television market.

**INTRODUCTION**

KRCA submitted comments in this proceeding requesting that the Commission assign KRCA's DTV channel based on the coordinates of Mount Wilson, the predominant transmitter site serving the Los Angeles market, rather than KRCA's present location on Sunset Ridge. KRCA submits these Reply Comments in response to issues raised in the comments and alternative allotment/assignment plan submitted by the Broadcasters' Caucus (the "Caucus") on behalf of many, but not all, U.S. television stations. Specifically, KRCA objects to several modifications to the Commission DTV plan proposed by the Caucus.

First, KRCA opposes the Caucus's proposed assignment of DTV channel 17 to KRCA, because of serious problems that would be caused by adjacent land mobile operations. Second, KRCA objects to the Caucus's proposal to use a variable dipole factor to calculate UHF NTSC grade B service areas, which would significantly constrict KRCA's ability to be viewed within the entire area it has been licensed to serve. Third, KRCA agrees with both the Commission and the Caucus that regional committees should be established to review and coordinate channel reassignments and DTV and NTSC station modification applications, but believes that the Caucus's regional committees are not the proper vehicle to carry out this important task.

**I. THE CAUCUS'S PROPOSED DTV CHANNEL ASSIGNMENT PROVIDES ALMOST ZERO SEPARATION WITH ADJACENT LAND MOBILE OPERATIONS AND WOULD SEVERELY COMPROMISE KRCA'S ABILITY TO SERVICE ITS TELEVISION MARKET.**

The DTV Table of Allotments and Assignments included with the Sixth Notice assigns KRCA DTV Channel 26. KRCA is satisfied with this channel assignment. The Caucus's modified DTV table, however, would assign DTV Channel 17 to KRCA. This channel assignment would provide almost zero separation between KRCA's DTV signal and land mobile operations on adjacent channel 16 in Los Angeles. KRCA strongly objects to the Caucus's proposed assignment and believes it would significantly impair KRCA's ability to serve the Los Angeles market.

In the Sixth Notice, the Commission affirmed its earlier proposal to maintain a minimum adjacent channel spacing requirement of 176 km (110) miles between DTV stations and the city-center of land mobile operations. Sixth Notice at ¶ 76. The Caucus's proposal creates a new short-spacing problem in Los Angeles by allocating channel 17 to KRCA. This is not justifiable.

Numerous parties in this proceeding have already raised objections to any proposal to short-space DTV stations with adjacent land mobile operations. These parties all agree, as does KRCA, that adjacent channel operation would result in severe interference to land mobile operations and adversely affect DTV signal reception.<sup>1</sup> At a minimum, it is apparent that land mobile operations in the same service area will impose a tremendous and unequal burden on the DTV station operator. If harmful interference is experienced by the land mobile operators, as is expected, such stations would likely be required to operate at reduced power levels, in addition to installing filters and other devices to limit out-of-band interference. These requirements would significantly reduce a station's ability to serve its market.

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<sup>1</sup> See Comment of Telemundo Group, Inc. at 5 (stating that historical experience with short-spaced adjacent NTSC and land mobile channels demonstrates that adjacency has resulted in significant interference to land mobile operations necessitating NTSC station operation at significantly reduced power levels), Comments of the Land Mobile Communications Council at 12 - 16 (noting that the Commission has proposed no engineering solutions to resolve adjacent channel interference problems and demonstrating that adjacent channel operation is likely to cause significant interference), Comments of Motorola at 13 (concluding that DTV operation adjacent to land mobile would cause "severe interference"); Comments of the County of Los Angeles at 9.

The Caucus's proposed assignment of DTV Channel 17 would have an especially harsh impact on KRCA. First, because land mobile channel 16 is heavily used by Los Angeles area fire and police agencies, even low levels of DTV interference may be deemed unacceptable. Second, under the core spectrum approach proposed by the Commission, KRCA would be required to terminate operation on Channel 62 by the end of the transition period and continue operation on its assigned DTV channel. Thus, KRCA would not have the luxury of choosing to continue permanent DTV operation on an alternative NTSC Channel and would be forced to operate permanently on an impaired DTV channel.

## **II. THE CAUCUS'S ASSIGNMENT METHODOLOGY FAILS TO REPLICATE KRCA'S PROTECTED GRADE B CONTOUR**

The Commission's service area replication approach was based on the application of its long established formula to determine an NTSC station's protected Grade B contour. The established formula employs a constant dipole factor based upon the median frequency for each of the low VHF, high VHF and UHF bands. The Caucus does not adopt the Commission's methodology for determining a station's grade B service area, and instead applies a separate factor for each UHF channel. Comments at 44, App. E1 at 4. The net result of this modification to the Commission's established formula is that channels in the upper range of the UHF band have a progressively smaller predicted service area. This unequally distributed disparity is demonstrated by the predicted service areas as

provided in the Commission's and MSTV's allotment tables. Under the Commission's formula, KRCA's NTSC service area is calculated as 18,502 sq. km. In contrast, under the Caucus's formula, KRCA's NTSC service area (and, hence, its DTV service area) would be only 16,461 sq. km.

KRCA requests that the Commission continue to apply its established formula for calculating a station's grade B contour and continue to use the predicted grade B service area as the basis for DTV channel assignments. As the Commission is aware, numerous legal rights attach to a station's predicted grade B service area. Historically, the use of a constant dipole factor in the Commission's formula has penalized UHF stations like KRCA in the upper portion of the UHF band by overestimating the station's grade B contour and thereby limiting its authorized power. The transfer to DTV now affords an opportunity to correct this bias and permit UHF stations in the upper portion of the band to cover the entire area they are licensed to serve.

### **III. KRCA SUPPORTS THE CREATION OF INDEPENDENT COORDINATION COMMITTEES**

KRCA supports the use of industry coordinating committees to evaluate proposals for post-assignment changes to the DTV table. Independent regional coordination committees could play a valuable role in evaluating and expediting requests for station modifications and channel reassignments. KRCA urges the Commission to adopt a regional committee plan that is designed to create a fair

and representative coordination process. KRCA, however, has grave concerns about the Caucus's proposal to use its own regional framework as the basis for the coordination committees.<sup>2</sup> Comments at 54-56. Any such committees should be structured in such a way as to assure that they will adequately represent the interests of all broadcasters, and that coordination requests will be administered in a manner that is fair to all.

KRCA strongly recommends that the Commission adopt policies that ensure the selection of representative coordinating committees. In order to represent the interests of smaller broadcast owners, for example, the regional leaders should be elected by the affected stations within the region. KRCA suggests that the Commission follow a general approach modeled on the regional committees established to coordinate Part 74 auxiliary broadcast services.

## CONCLUSION

KRCA urges the Commission not to adopt the Caucus's proposed assignment of DTV channel 17 to KRCA, urges that the Commission's service replication approach be based on predicted Grade B contours calculated in accordance with the Commission's conventional constant dipole methodology, and

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<sup>2</sup> KRCA has been an active participant in the Caucus's committee process, but has been frustrated by a lack of responsiveness to proposals it has made and requests for maps, interference analyses, and other information, which it has still not received.

urges that the Commission state its clear preference for a framework for coordination committees that assures a fair and representative system.

Respectfully submitted,

FOUCE AMUSEMENT  
ENTERPRISES

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John I. Stewart, Jr.  
David D. McCurdy  
CROWELL & MORING  
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Washington, D.C. 20004-2595  
(202) 624-2500

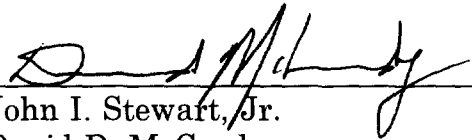
Its Counsel



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